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EFFECTIVE IMPLEMENTATION OF INTERNATIONAL INSTRUMENTS ON HUMAN RIGHTS, INCLUDING REPORTING OBLIGATIONS UNDER INTERNATIONAL INSTRUMENTS ON HUMAN RIGHTS

Report of the Secretary-General

1. Pursuant to General Assembly resolution 46/111 of 17 December 1991 and resolution 1992/15 of 21 February 1992 of the Commission on Human Rights, the fourth meeting of persons chairing the human rights treaty bodies was convened by the Secretary-General at the United Nations Office at Geneva from 12 to 16 October 1992. The report of that meeting was subsequently issued as an official document of the General Assembly (A/47/628) and the conclusions and recommendations contained therein were made available to the Assembly for preliminary consideration at its forty-seventh session. In its resolution 47/111 of 16 December 1992, the General Assembly requested the Secretary-General, in the light of the views expressed at the forty-ninth session of the Commission on Human Rights and the thirty-seventh session of the Commission on the Status of Women, to submit to it at its forty-eighth session a report examining those conclusions and recommendations. The present report is submitted in accordance with that request.

2. The report of the fourth meeting of persons chairing the human rights bodies was considered by the Commission on Human Rights at its forty-ninth session. Delegations noted that the institutionalization of the biennial meetings of the chairpersons represented considerable progress towards achieving better coordination among the human rights treaty bodies and greater effectiveness of the treaty monitoring system as a whole. Concern was expressed that the effectiveness of the treaty system continued to be impeded by the large number of substantive reservations, by the inadequate level of resources available for servicing the committees and by the disruptions of the implementation process resulting from the large number of overdue reports from States parties. Delegations emphasized the importance of achieving universality in the ratification of the human rights instruments and urged States to limit their reservations as much as possible when adhering to human rights instruments. Particular support was expressed for suggestions concerning the role that human rights treaty bodies could play in the future in preventing

human rights violations and thereby serving as part of an effective early warning system to help preserve international peace and security. In that connection, the Commission welcomed the recently adopted practice of requesting States parties for additional information or special reports on an ad hoc basis, particularly in cases of massive violations of human rights.

3. In its resolution 1993/16 of 26 February 1993, the Commission on Human Rights, inter alia, endorsed the conclusions and recommendations of the meetings of persons chairing the human rights treaty bodies aimed at streamlining, rationalizing and otherwise improving reporting procedures, as well as the continuing efforts in that connection by the treaty bodies and the Secretary-General within their respective spheres of competence. It also welcomed the emphasis placed by the meetings on the importance of technical assistance and advisory services and, further to that end, invited the treaty bodies to give priority attention to identifying such possibilities in the regular course of their reviewing the periodic reports of States parties. The Commission endorsed, too, the recommendations of the meetings on the need to ensure financing and adequate staffing resources for the operations of the treaty bodies. Additionally, in its resolution 1993/23 of 5 March 1993, the Commission on Human Rights encouraged successor States to confirm that they continued to be bound by obligations under relevant international human rights treaties and urged such States to accede to or ratify international human rights treaties to which the predecessor States were not parties.

4. In accordance with a recommendation made at the fourth meeting of persons chairing the human rights treaty bodies (A/47/628, para. 80) the Secretariat organized at Vienna on 15 and 16 June 1993, within the framework of the World Conference on Human Rights, a meeting of the persons chairing the United Nations human rights treaty bodies and those chairing each of the principal regional and other human rights bodies, including the African Commission on Human and Peoples' Rights, the European Commission on Human Rights, the European Court of Human Rights, the Inter-American Commission on Human Rights, the Inter-American Court of Human Rights and the Committee on the Application of Conventions and Recommendations of the International Labour Organization. At that meeting the participants adopted the "Vienna statement of the international human rights treaty bodies" 1/ which includes recommendations for general principles and suggestions on specific issues and recommendations that the World Conference was requested to reflect in its Programme of Action. They considered, inter alia, that failure by States parties to comply with international treaty obligations, including a failure to report as required, constituted a violation of international law. They also felt that meetings between international and regional treaty bodies had great potential value for promoting human rights and should be held regularly.

5. The conclusions and recommendations contained in the report of the fourth meeting of persons chairing the human rights treaty bodies were also discussed by some of the individual treaty bodies.

6. Members of the Human Rights Committee expressed full agreement, in particular, with the chairpersons' views concerning succession in relation to human rights obligations, the timely submission of overdue reports and the problem of reservations deemed incompatible with the object and purpose of an instrument. Members welcomed, in particular, resolution 1993/23 of the

Commission on Human Rights and considered possible action the Committee could take to encourage successor States to confirm their acceptance of their obligations under the Covenant. In discussing the problem of reservations, members underlined the importance of the Committee's earlier decision to prepare a general comment on that question. They also noted, with regard to the development of effective responses in emergency situations, that the Committee already had experience in handling such cases and that its working methods could be developed further.

7. Members of the Committee on the Elimination of Racial Discrimination noted with particular interest the conclusions and recommendations contained in the chairpersons' report concerning the development of effective responses to emergency situations. They also recalled that the Secretary-General emphasized the primary importance of preventing human rights violations before they occurred and the need to identify, at the earliest possible stage, situations that could produce conflict. As a result of the consideration of those issues, the Committee adopted a working paper on the prevention of racial discrimination, including early warning and urgent procedures (see A/48/18, 2/ annex III), to guide it in its work. Members also emphasize the need to encourage wider ratification of the Convention, particularly in regard to successor States to former States parties; the need for adequate secretariat resources for servicing the treaty bodies; and the need for a resource room where information relevant to the work of the Committee would be available for consultation by members.

8. The Committee on the Rights of the Child welcomed in particular the chairpersons' recommendation emphasizing the value of holding treaty body meetings at venues other than Geneva, New York and Vienna and requesting the Secretary-General to explore innovative ways and means for bringing that about. The Committee also welcomed the important recommendation in support of the proposal to explore ways of empowering the Secretary-General and expert human rights bodies to bring massive violations of human rights to the attention of the Security Council, recalling that the recommendation reflected the same concerns as those addressed by the urgent action procedure the Committee had itself adopted at its second session.

Notes

1/ A/CONF.157/TBB4 and Add.1.

2/ To be issued as Official Records of the General Assembly, Forty-eighth Session, Supplement No. 18 (A/48/18).